

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:08CR250
)
vs.) ORDER
)
JEREMY S. NOE,)
)
Defendant.)

This matter is before the court on the motion for a continuance by defendant Jeremy S. Noe (Noe) (Filing No. 19). Noe seeks an extension in which to file pretrial motions in accordance with the progression order (Filing No. 11) and to continue trial. Noe's counsel represents that government's counsel has no objection to the motion. Noe has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 20). Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Noe's motion for an extension of time to file pretrial motions (Filing No. 19) is granted. Noe is given until **on or before September 22, 2008**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 18, 2008 (the original motion deadline) and September 23, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and

complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The trial scheduled for September 29, 2008, is canceled and will be rescheduled following the disposition of any motions filed in accordance with this order or upon the expiration of the amended motion deadline.

DATED this 3rd day of September, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge